

October 17, 2005

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: WT Docket No. 05-157 – Ex Parte Filing of Preferred Communication Systems, Inc. Re Impact of 800 MHz Rebanding on Public Safety Spectrum**

Dear Ms. Dortch:

Preferred Communication Systems, Inc. (“Preferred”) is licensed to operate commercial wireless systems in the 800 MHz band and as a result has been actively involved in the 800 MHz band reconfiguration proceeding<sup>1</sup> In the Public Notice opening this Docket, the Commission claimed that its *Initial Report and Order* in the rebanding proceeding “created access to an average 4.5 megahertz of additional spectrum for public safety licensees.”<sup>2</sup>

The attached report by Concepts To Operations, Inc. (“CTO”), an experienced telecommunications and information systems engineering and consulting firm, raises serious questions about that broad claim. The careful analysis confirms that in a number major U.S. cities, including Boston and Miami, the real facts just do not support the Commission’s assertion. The Congress should not be led to believe that the Commission’s *Rebanding Orders* have had a uniformly salutary effect for local emergency response providers. This is particularly true when coupled with the ongoing interoperability problems identified by the recent Hurricane Katrina experiences. Therefore, in preparing its own report to Congress, the Commission must address, and cannot simply ignore, the spectrum shortfall identified by CTO.

Pursuant to Section 1.1206(b) of the Commission’s rules, this letter is being electronically filed through the ECFS.

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<sup>1</sup> *In the Matter of Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd. 14969, 15070, ¶ 190 (2004), as amended by *Erratum*, released September 10, 2004, *Erratum*, DA 04-3208, 19 FCC Rcd. 19651 and *Erratum*, DA 04-3459, released October 29, 2004, *appeal pending* (“*Initial Report and Order*”); *Supplemental Order and Order On Reconsideration*, 19 FCC Rcd. 25120 (2004), *appeal pending* (“*Supplemental Order*”) (collectively, “*Rebanding Orders*”); *Memorandum Opinion and Order*, FCC 05-174, released October 5, 2005.

<sup>2</sup>“*Federal Communications Commission Requests Comments On Spectrum needs Of Emergency Response Providers*,” FCC Public Notice, FCC 05-80, released March 29, 2005.



Ms. Marlene H. Dortch  
October 17, 2005  
Page 2

Respectfully submitted,

A handwritten signature in black ink, reading "Paul C. Besozzi", followed by a horizontal line.

Paul C. Besozzi  
Counsel for Preferred Communication Systems, Inc.